

### **R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

### **THE SPECIFICATION**

The specification has been amended to correct a minor informality of which the undersigned has become aware. No new matter has been added, and it is respectfully requested that the amendment to the specification be approved and entered.

### **THE CLAIMS**

Claim 1 has been amended to incorporate the subject matter of (now canceled) claim 4, as well as to make some minor grammatical improvements. Claims 5 and 6 have been amended to depend directly from amended claim 1. And claim 13 has been amended to correct a minor antecedent basis problem. No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

### **THE PRIOR ART REJECTION**

Claims 1-3 and 7-13 were rejected under 35 USC 103 as being obvious in view of USP 6,208,237 ("Saiki et al"); claims 1 and 4-6 were rejected under 35 USC 103 as being obvious in view of

USP 5,861,686 ("Lee"); and claims 1, 4 and 6 were also rejected under 35 USC 103 as being obvious in view of USP 6,847,139 ("Ueda et al"). These rejections, however, are respectfully traversed with respect to the claims as amended hereinabove.

The claimed present invention relates to an earphone or a headphone having a vibration actuator that is used in a state in which it is positioned in close vicinity to an ear or is inserted into an auricle of the ear. Therefore, it is impossible to use or assemble a relatively large-sized loudspeaker in such an earphone or headphone.

According to the present invention as recited in amended independent claim 1, a terminal (114) for electrical connection is disposed on a cover (112) covering the vibration actuator. (See Fig. 9.) With this structure, the terminal (114) does not protrude radially outwardly from the vibration actuator, and the size of the earphone or headphone of the claimed present invention can be reduced. In addition, inasmuch as the terminal does not protrude radially outwardly, another advantage of the structure of the claimed present invention is that the degree of freedom of the design of the earphone or headphone is increased.

With respect to the cited prior art, Lee relates to an integrated device used for electively generating waking

vibrations or sounds in an alarm watch or in communication equipment such as a cellular or pager phone.

However, it is respectfully submitted that Lee does not at all disclose, teach or even suggest a terminal for electrical connection which is disposed on a part of a cover covering a vibration actuator as according to the present invention as recited in amended independent claim 1.

Instead, Lee teaches that terminals 33b thereof are disposed on lead panel 23b integrally formed on an edge of second vibration member 3b and that the inner terminals 13b are also provided on the second vibration member 3b. (See Fig. 1, column 3, lines 40-49 and column 4, lines 10-13 of Lee.)

In addition, it is respectfully pointed out that the overall size of the alarm watch and cellular or pager phone of Lee is much larger than an overall size of the earphone or headphone of the claimed present invention. Therefore, in Lee, there is no necessity or motivation for providing the novel structure of the claimed present invention to reduce the size of the device of the alarm watch and cellular or pager phone of Lee.

It is respectfully pointed out, moreover, that the rejection of claims 1, 4 and 6 in view of Ueda et al is improper because Ueda et al is not a reference against the present application. Ueda et al is a US national stage application of International

Application PCT/JP02/13787 filed on December 27, 2002. However, since the July 17, 2003 publication WO 03/057375 of International Application PCT/JP02/13787 was not in English, Ueda et al does not have a 102(e) date and is not a valid prior art reference against the present application under 35 USC 102(e). In addition, since the July 17, 2003 publication date WO03/057375 is after the July 4, 2003 filing date of International Application PCT/JP03/08526 of which present invention is a US national stage application, Ueda et al is also not a valid prior art reference against the present application under 35 USC 102(a) or 35 USC 102(b). Accordingly, it is respectfully requested that the rejection of claims 1, 4 and 6 under 35 USC 103 as being obvious in view of Ueda et al be withdrawn.

Finally, it is noted that Saiki et al was not cited against the subject matter of now canceled claim 4, which is now recited in amended independent claim 1.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claim 1 and claims 2, 3 and 5-13 depending therefrom clearly patentably distinguish over all of the (proper) cited references, taken singly or in any combination, under 35 USC 103.

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Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

Respectfully submitted,

/Douglas Holtz/

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